

Distribution: July thru Mid-August 1995 Competitor Review

PM-USA

F. Alfieri
A. Alpen*
R. Anise
M. Arwady
W. Barker
T. Beane
D. Beran*
G. Blumenson
N. Brennan-Lund
W. I. Campbell*
J. Carboni
R. Carchman
W. Cashion
J. Chaump*
J. Clary
E. Correa
M. Debardeleben*
P. Dodd
G. Eastburn*
R. Ewan
P. Fernandez
C. Finch
T. Garguilo
E. Gawronski
E. Gee
J. Gilbert*
P. Godwin*
M. Gordon
J. Greene
K. Houghton
K. Hunkeler
B. Iler
C. Johnson
Jan Jones
D. Keane*
R. King
J. Lamb
R. Latshaw*
D. Laufer
F. Laux*
S. LeVan

C. Levy*
C. Lilly
R. Lively
D. Lynch*
M. Mahan
J. Mahon
L. Markham
K. McEncroe
B. Mikulay
D. Milby
M. Moore
W. Moore
J. Morgan*
J. Mortensen
M. Murphy
J. Myracle
D. Nelson
J. Nelson*
D. Oettinger
P. Paoli*
P. Piscitelli
R. Priddy
C. Purcell
B. Reuter*
M. Schroeder
B. Schuyler*
A. Schwartz
R. Simons
A. Sinha
J. Smith
H. Steele*
R. Stroud
M. Szymanczyk*
B. Taylor
J. Thomas
J. Vander Putten*
T. Walls
L. Wexler*
R. Whalen
H. Willard

PMI/Corporate

G. C. Bible*
L. Camilleri*
D. Dangoor*
A. Daw*
S. deGysser*
M. Goldberg*
M. Kenny*
J. Kramer*
B. Kurtzer*
J. Machado*
J. Manfredi*
B. McKee*
E. Merlo*
H. Millington*
S. Parrish*
N. Rolli*
R. Sarmiento*
W. Thoretz
W. Webb*

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SHOOK, HARDY & BACON TOBACCO LITIGATION UPDATE

CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION

Vol. 10, No. 47

July 20, 1995

SPOHRER, WILNER FIRM LITIGATION:

Cigar
process in six
County, Florida
Wilner. Compl
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diseases and medi
have information
individually allege
Although the compl
smoked, information
the brands is not prov
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cases seek \$1,000,000
six cases are below:

° **Clark:** R.J. 1 Morris, Liggett Group, and three local retailers are named as defendants in the case. Plaintiff James Clark alleges he smoked R.J. Reynolds' Camel and Winston brands, Philip Morris' Cambridge brand and Liggett's L&M brand.

° **Ferslew:** Defendants are American Tobacco, R.J. Reynolds, Philip Morris, Liggett Group, Lorillard, and eight local retailers. Plaintiffs Robert Ferslew and Phyllis Ferslew allege that Robert Ferslew smoked American's Lucky Strike and Tareyton brands, Lorillard's True brand, Liggett's Chesterfield brand, Philip Morris' Benson & Hedges brand and R.J. Reynolds' Camel brand.

° **James:** R.J. Reynolds, Philip Morris, Lorillard, Liggett Group and five retailers are defendants in the case. Plaintiff Jennie James alleges she smoked the Salem and Winston brands manufactured by R.J. Reynolds, the Cambridge and Marlboro brands manufactured by Philip Morris, the Kent brand manufactured by Lorillard and the L&M brand manufactured by Liggett.

° **Karandy:** Plaintiff Karl Karandy, who alleges he smoked Philip Morris' Marlboro brand and R.J. Reynolds' Salem, Vantage and Winston

Philip Morris, R.J. Reynolds and
as defendants in his case.

the six major U.S. cigarette
named as defendants in King,
General Cigar and five local
William King alleges he
brands of cigarettes, loose
and smokeless tobacco

Georgia Kress alleges she
Lucky Strike brand, Philip
Morris and R.J. Reynolds'
cigarette brands. American,
R.J. Reynolds and two local
retailers are the action.

received service of process in each of
the six cases and Lorillard has been served in Ferslew,
James and King.

Clark v. RJR, PM, Liggett, et al.; 6/22/95; Circuit Ct., Duval County, FL

Ferslew v. AT, RJR, PM, Liggett, Lor, et al.; 4/28/95; Circuit Ct., Duval County, FL

James v. RJR, PM, Lor, Liggett, et al.; 6/22/95; Circuit Ct., Duval County, FL

Karandy v. RJR, PM, et al.; 6/22/95; Circuit Ct., Duval County, FL

King v. RJR, PM, Lor, B&W, Liggett, AT, UST, Gen. Cigar, et al.; 6/22/95; Circuit Ct., Duval County, FL

Kress v. RJR, PM, AT, et al. 6/22/95; Circuit Ct., Duval County, FL

RATNER, REYES FIRM'S KANSAS LITIGATION:

Cigarette manufacturers have begun to receive service of process in each of the six asbestos cases in which the District Court of Wyandotte County, Kansas, granted plaintiffs' motions to amend their complaints to add claims regarding smoking. Plaintiffs in each of the six cases are represented by the Miami, Florida, firm of Ratner, Reyes & O'Shea and by the Topeka, Kansas, firm of Joseph D. Johnson, Chartered. Plaintiffs in each of the six cases allege lung cancer and emphysema caused by smoking and exposure to asbestos. Plaintiffs seek unspecified dollar amounts in actual damages and punitive

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SHOOK, HARDY & BACON TOBACCO LITIGATION UPDATE

CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION

Vol. 10, No. 47

July 20, 1995

SPOHRER, WILNER FIRM LITIGATION:

Cigarette manufacturers have received service of process in six cases filed in the Circuit Court of Duval County, Florida, in Jacksonville by the firm of Spohrer, Wilner. Complaints in each of the six cases are similar and allege that cigarette smoking causes a wide variety of diseases and medical conditions. None of the complaints have information specific as to the injuries plaintiffs individually allege was caused by cigarette smoking. Although the complaints identify the brands each plaintiff smoked, information on the years each plaintiff smoked the brands is not provided in the complaints. Each of the cases was filed on June 22, 1995, except for Ferslew, which was filed on April 28. Plaintiffs in each of the cases seek \$1,000,000 in actual damages. Details of the six cases are below:

° Clark: R.J. Reynolds, Philip Morris, Liggett Group, and three local retailers are named as defendants in the case. Plaintiff James Clark alleges he smoked R.J. Reynolds' Camel and Winston brands, Philip Morris' Cambridge brand and Liggett's L&M brand.

° Ferslew: Defendants are American Tobacco, R.J. Reynolds, Philip Morris, Liggett Group, Lorillard, and eight local retailers. Plaintiffs Robert Ferslew and Phyllis Ferslew allege that Robert Ferslew smoked American's Lucky Strike and Tareyton brands, Lorillard's True brand, Liggett's Chesterfield brand, Philip Morris' Benson & Hedges brand and R.J. Reynolds' Camel brand.

° James: R.J. Reynolds, Philip Morris, Lorillard, Liggett Group and five retailers are defendants in the case. Plaintiff Jennie James alleges she smoked the Salem and Winston brands manufactured by R.J. Reynolds, the Cambridge and Marlboro brands manufactured by Philip Morris, the Kent brand manufactured by Lorillard and the L&M brand manufactured by Liggett.

° Karandy: Plaintiff Karl Karandy, who alleges he smoked Philip Morris' Marlboro brand and R.J. Reynolds' Salem, Vantage and Winston

brands, names Philip Morris, R.J. Reynolds and three local retailers as defendants in his case.

° King: Each of the six major U.S. cigarette manufacturers are named as defendants in King, as is U.S. Tobacco, General Cigar and five local retailers. Plaintiff William King alleges he smoked as many as 23 brands of cigarettes, loose leaf tobaccos, cigars and smokeless tobacco products.

° Kress: Plaintiff Georgia Kress alleges she smoked American's Lucky Strike brand, Philip Morris' Marlboro brand and R.J. Reynolds' Camel and Virginia Slims brands. American, Philip Morris, R.J. Reynolds and two local retailers are defendants in the action.

R.J. Reynolds has received service of process in each of the six cases and Lorillard has been served in Ferslew, James and King.

Clark v. RJR, PM, Ligg, et al.; 6/22/95; Circuit Ct., Duval County, FL

Ferslew v. AT, RJR, PM, Ligg, Lor, et al.; 4/28/95; Circuit Ct., Duval County, FL

James v. RJR, PM, Lor, Ligg, et al.; 6/22/95; Circuit Ct., Duval County, FL

Karandy v. RJR, PM, et al.; 6/22/95; Circuit Ct., Duval County, FL

King v. RJR, PM, Lor, B&W, Ligg, AT, UST, Gen. Cigar, et al.; 6/22/95; Circuit Ct., Duval County, FL

Kress v. RJR, PM, AT, et al. 6/22/95; Circuit Ct., Duval County, FL

RATNER, REYES FIRM'S KANSAS LITIGATION:

Cigarette manufacturers have begun to receive service of process in each of the six asbestos cases in which the District Court of Wyandotte County, Kansas, granted plaintiffs' motions to amend their complaints to add claims regarding smoking. Plaintiffs in each of the six cases are represented by the Miami, Florida, firm of Ratner, Reyes & O'Shea and by the Topeka, Kansas, firm of Joseph D. Johnson, Chartered. Plaintiffs in each of the six cases allege lung cancer and emphysema caused by smoking and exposure to asbestos. Plaintiffs seek unspecified dollar amounts in actual damages and punitive

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damages. Each of the amended complaints were filed on July 11. Details on each of the six cases are below:

◦ **Barlow:** Plaintiffs Wayne Barlow and Irene Barlow allege Wayne Barlow smoked Lorillard's Kent brand, American's Lucky Strike and Pall Mall brands and Philip Morris' Marlboro brand from 1941 until 1980.

◦ **Bilby:** American and R.J. Reynolds are the cigarette defendants added to the complaint in a case filed by the representative of the Estate and the Survivors of Edward Bilby. Lucky Strike is the only brand identified in the complaint.

◦ **Greer:** Kent is the only brand listed as having been smoked by decedent Robert Greer, whose claim is represented by the representative of his Estate and his Survivors. Mr. Greer, according to the complaint, smoked the Kent brand from 1945-1980. Lorillard is the only cigarette manufacturer added to **Greer**.

◦ **Herd:** Karen Herd, suing as the representative of the Estate and the Survivors of Lloyd Binyon, alleges Mr. Binyon smoked Philip Morris' Cambridge and Marlboro brands and R.J. Reynolds' Camel and Doral brands from 1959-1993. Philip Morris and R.J. Reynolds are the cigarette companies added to **Herd**.

◦ **Ireland:** Plaintiffs Bob Ireland and Betty Lou Ireland allege Bob Ireland smoked the Lucky Strike brand from 1946-1993; no other brands are identified in the complaint, although R.J. Reynolds and American Tobacco are named as defendants in the complaint.

◦ **Jones:** Marcia Jones, suing as the representative of the Estate and Survivors of Wallace Jones alleges Mr. Jones smoked the Lucky Strike brand from 1944 until an unspecified date in the 1990s. American Tobacco is the only cigarette company added to the complaint in the case.

Barlow v. Lor, PM, AT, et al.; 7/11/95; District Ct., Wyandotte County, KS

Bilby v. AT, RJR, et al.; 7/11/95; District Ct., Wyandotte County, KS

Greer v. Lor, et al.; 7/11/95; District Ct., Wyandotte County, KS

Herd v. RJR, PM, et al.; 7/11/95; District Ct., Wyandotte County, KS

Ireland v. RJR, AT, et al.; 7/11/95; District Ct., Wyandotte County, KS

Jones v. AT, et al.; 7/11/95; District Ct., Wyandotte County, KS

RATNER, REYES FIRM'S FLORIDA LITIGATION:

On July 13, the Circuit Court of Broward County, Florida, granted the motion for leave to amend the complaint in **Morris**, an asbestos personal injury case, to add claims against five tobacco companies. Plaintiffs are represented by the Ratner, Reyes & O'Shea firm of Miami. A report on the case is in Vol. 10, No. 46 of the *Tobacco Litigation Update*. To our knowledge, none of the tobacco defendants named in the proposed amended complaint have received service of process of the amended complaint.

American has received of process of the complaint in **Asbell**, pending in the Circuit Court of Dade County, Florida. As reported in Vol. 10, No. 45 of the *Tobacco Litigation Update*, plaintiff was permitted to amend her complaint to add American and Brown & Williamson as defendants to an asbestos case filed in 1994. Plaintiff Edith Asbell, suing as the personal representative of the Estate and Survivors of Russell Asbell, alleges Mr. Asbell died of lung cancer on September 6, 1994. Plaintiff alleges Mr. Asbell smoked the Lucky Strike brand from 1951-1994.

Asbell v. AT, B&W, et al.; 7/1/95; Circuit Ct., Dade County, FL

GRIESENBECK:

On July 13, Judge Dickinson Debevoise issued an order and opinion granting the motion to dismiss based on failure to state a claim that was filed by Brown & Williamson (the successor to American Tobacco, who was named as the defendant in plaintiff's original complaint). Plaintiff has until August 14 to notice an appeal from the ruling to the Third Circuit Court of Appeals. Plaintiff alleged in her complaint, which was filed in 1995, that she was injured in a fire in 1981 that was caused by a cigarette smoked her mother; plaintiff further alleged that the case was timely filed because it was initiated within two years of her eighteenth birthday.

In her opposition to the motion to dismiss, plaintiff conceded that her claims of negligence, gross negligence and breach of warranty should be dismissed because each was barred by the New Jersey Products Liability Act. Plaintiff contended, however, that she should be permitted to assert her claims of failure to warn and strict liability — design defect.

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In the opinion, Judge Debevoise dismissed plaintiff's failure to warn claim because "burning is an inherent and obvious characteristic of a functioning cigarette, ... the dangers associated with a burning object are well-known to adults, [so] I conclude that the defendant had no duty to warn [plaintiff's] mother of the dangers associated with burning cigarettes." Judge Debevoise also held that plaintiff's failure to warn claims are preempted by the Federal Cigarette Labeling and Advertising Act. In addition, Judge Debevoise held that Brown & Williamson's consumer expectations defense barred plaintiff's strict liability -- design defect claim.

Griesenbeck v. B&W; 2/24/95; U.S.D.C., N.J.

STATE OF FLORIDA:

On July 13, defendants in Associated Industries noticed an appeal to the First District of the Florida Court of Appeal from the trial court's final order and declaratory judgment of June 26, which declared in part that 1994 Amendments to Florida's Third Party Liability Act were unconstitutional. Plaintiffs in Associated Industries are Philip Morris and several entities that conduct business in Florida. The Third Party Liability Act is the legislation on which State of Florida is based. *Associated Industries, et al. v. State of Florida Agency for Health Care Administration*; 6/30/94; Circuit Ct., FL

ALLGOOD:

On July 13, plaintiffs noticed an appeal to the United States Court of Appeals for the Fifth Circuit from the judgment in defendants' favor. In addition to the judgment, plaintiffs state they are seeking review of the trial court's order denying their motion to compel production of documents from the Haines case dealing with the Council for Tobacco Research's "special projects" documents.

Defendants' motion for summary judgment, which was based, inter alia, on the statute of limitations and § 402(A) of the Restatement (Second) of Torts, was granted on April 3, 1995. The court denied plaintiffs' motion for reconsideration on June 14, 1995.

Allgood v. RJR, AT, TI, CTR; 1/4/91; Fifth Circuit Ct. of Appeals from U.S.D.C., S.D. TX

STATE OF MINNESOTA:

On July 18, the Minnesota Court of Appeals issued an order denying defendants' petition for discretionary review, which sought an order that Blue

Cross and Blue Shield of Minnesota lacks standing as a plaintiff in the action. The order states the decision does "not constitute a ruling on the merits and shall not preclude the [defendants] from raising the issue on appeal from a final judgment, if necessary." The order was signed by Presiding Judge Roger Klaphake and was joined by Judge Jack Davies. Judge Robert Schumacher issued a dissenting opinion stating that "review would be proper in this case because the ruling involves a legal issue of broad application and reversal would clearly obviate all further proceedings in the district court involving Blue Cross and Blue Shield of Minnesota."

State of Minnesota, et al. v. PM, RJR, B&W, B.A.T., Lor, AT, Ligg, CTR, TI; 8/17/94; Dist. Ct., MN

KUEPER:

On July 13, the Fifth District of the Illinois Court of Appeals issued an order to show cause as to why plaintiff's appeal should not be dismissed for failure to prosecute because plaintiff has failed to file her appeal brief, which was due on June 28. To our knowledge, plaintiff has not yet responded to the order to show cause.

Plaintiff's appeal was from the judgement entered in defendants' favor that reflected the January 29, 1993, verdict by the jury on all of the claims that were submitted to it, the September 1, 1994, verdict from the bench trial in favor of R.J. Reynolds on plaintiff's state law consumer fraud claim, and the September 30, 1994, order that denied plaintiff's motion for reconsideration of the verdict from the bench trial. Plaintiff is represented by Bruce Cook.

Kueper v. RJR, TI, et al.; 6/24/91; IL Ct. of App. from Cir. Ct., IL

SWITZER:

On July 14, plaintiffs filed a motion for non-suit, concluding the case. Plaintiffs alleged their decedent, Charles Switzer, died of lung cancer caused by smoking cigarettes.

Switzer v. RJR, et al.; 6/13/90; Dist. Ct., TX

CASTANO:

On July 13, plaintiffs served document requests on the defendants. The requests seek documents on a variety of issues, including nicotine, addiction, habituation, smoking cessation, and promotion of cigarettes to individuals younger than 21.

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Castano, et al. v. AT, AB, RJR, RJRN, B&W, BATUS, PM, PMC, L&M, Ligg, Brooke Grp., Lor, Loews, UST, TI; 3/29/94; U.S.D.C., E.D., LA

DUNN:

On July 12, the Indiana Supreme Court granted plaintiffs' motion for a continuance of the September 5 hearing on plaintiffs' petition for transfer and rescheduled the hearing for October 3. Plaintiffs sought the continuance due to a scheduling conflict on behalf of their counsel.

In the petition for transfer, plaintiffs seek review of the Indiana Court of Appeal's ruling that overturned the trial court's decision denying defendants' motion to transfer the case. Defendants seek transfer of the case from the Superior Court of Delaware County, Indiana, to the Superior Court of Grant County, Indiana.

Dunn v. RJRN Holdings Corp., RJR, B&W, BAT, PM, PMC, Ligg, L&M, AB, AT, Loews, Lor, TI, CTR; 5/28/93; Super. Ct., IN

ENGLE:

On July 17, the Third District of the Florida Court of Appeal granted defendants' motion for an extension of time to file their reply brief in support of their appeal of the trial court's order granting plaintiffs' motion for class certification. The reply brief, previously scheduled to be filed on July 17, is now due on July 28. *Engle, et al. v. RJR, PM, Lor, AT, B&W, Ligg, Brooke Grp., Dosal, CTR, TI; 5/5/94; Cir. Ct., FL*

MOORE:

The parties have reached agreement on a briefing and hearing schedule on plaintiff's motion in limine or, in the alternative, for partial summary judgment. Plaintiff's opening brief in support of the motion is due on August 4, defendants' opposition is due on August 15, and plaintiff's reply brief is due on August 18. The court is scheduled to hear argument on the motion on August 22. In his motion, plaintiff seeks an order precluding defendants from asserting defenses that seek a reduction or elimination of damages based on benefits arising to the state from the sale of cigarettes. Plaintiff is the Attorney General of Mississippi.

A hearing is scheduled for July 25 on the parties' motions for protective order.

Moore v. AT, RJR, B&W, PM, Ligg, L&M, Lor, CTR, TI, H&K, et al.; 5/23/94; Chancery Ct., MS

CANTLEY:

On July 13, R.J. Reynolds filed a motion for summary judgment based on preemption. Lorillard had filed a similar motion on May 30.

At a status conference on July 17, Judge Madison ordered plaintiff to file her opposition to the motions by October 1. Argument on the motions will be heard on October 13.

During the July 17 status conference, plaintiff's counsel conceded that he did not need discovery from the defendants in order to submit an opposition to the motions. Consequently, Judge Madison continued the stay he previously had imposed on discovery.

Cantley v. Lor, RJR, et al.; 4/2/93; Cir. Ct., AL

BROIN:

On July 12, the Third District of the Florida Court of Appeal issued a ruling reversing the trial court's order that denied the motion to dismiss based on lack of jurisdiction filed by The Tobacco Merchants' Association (TMA). In its opinion, the Court of Appeal held that plaintiffs' complaint failed to assert "sufficient facts to bring TMA within the ambit of Florida's long-arm statutes." The panel issuing the order was comprised of judges Hubbard, Cope and Green. Judge Green wrote the majority opinion. Judge Cope issued a concurring opinion.

Broin, et al. v. PM, PM Prod., RJR, Lor, Ligg, AT, Dosal Tob., B&W, UST, TI, CTR, TMA, FL Tob./Candy Assoc., Nat. Assoc. of Tob. Dist.; 10/31/91; Cir. Ct., FL

KEARNEY:

On July 14, Judge Keeton granted the parties' motion for extension of time of the briefing schedule of Philip Morris' motion for judgment on the pleadings or, in the alternative, for summary judgment. Plaintiff's brief in opposition to Philip Morris' motion is due on July 26, Philip Morris' reply brief is due on September 14, and a status conference will be held on September 19. Plaintiff in Kearney alleges her decedents were killed in a house fire caused by a cigarette manufactured by Philip Morris. *Kearney v. PM; 5/11/92; U.S.D.C., MA*

PRIVILEGED AND CONFIDENTIAL

07/20/95

PENDING CASES (BY JURISDICTION)

INDUSTRY (AND PM TOTALS)

| JURISDICTION | INDUSTRY TOTAL | PM TOTAL |
|---------------------------|----------------|----------|
| ALABAMA | 2 | 1 |
| CALIFORNIA | 1 | 1 |
| COLORADO | 2 | 2 |
| FLORIDA | 12 | 3 |
| ILLINOIS CT. OF APPEAL | 1 | 0 |
| INDIANA | 4 | 4 |
| KANSAS | 7 | 1 |
| LOUISIANA | 17 | 8 |
| MARYLAND | 1 | 1 |
| MASSACHUSETTS | 2 | 2 |
| MINNESOTA | 2 | 1 |
| MISSISSIPPI | 3 | 2 |
| MISSISSIPPI SUPREME CT. | 2 | 0 |
| MISSOURI | 1 | 0 |
| NEVADA | 1 | 1 |
| NEW HAMPSHIRE SUPREME CT. | 1 | 1 |
| NEW JERSEY | 2 | 1 |
| NEW YORK | 5 | 3 |
| NORTH CAROLINA | 1 | 0 |
| OHIO | 3 | 1 |
| OKLAHOMA | 1 | 1 |
| PENNSYLVANIA | 2 | 2 |
| SOUTH CAROLINA | 1 | 0 |
| TENNESSEE | 3 | 2 |
| TEXAS | 6 | 5 |
| TEXAS SUPREME CT. | 1 | 0 |
| USCA, FIFTH CIRCUIT | 2 | 1 |
| WEST VIRGINIA | 2 | 2 |
| TOTAL | 88 | 46 |

PRIVILEGED AND CONFIDENTIAL

07/20/95

PENDING CASES (BY JURISDICTION)

INDUSTRY (AND PM CASES)

| JURISDICTION | INDUSTRY CASES | PM CASES |
|----------------------------------|----------------|----------|
| ALABAMA | Cantley | 0 |
| | Lacey | 1 |
| ALABAMA SUBTOTAL: | 2 | 1 |
| CALIFORNIA | Jernigan | 1 |
| CALIFORNIA SUBTOTAL: | 1 | 1 |
| COLORADO | Cullum-1 | 1 |
| | Robinson-C | 1 |
| COLORADO SUBTOTAL: | 2 | 2 |
| FLORIDA | Asbell | 0 |
| | Broin | 1 |
| | Carter | 0 |
| | Chiles | 1 |
| | Clark | 0 |
| | Connor | 0 |
| | Engle | 1 |
| | Ferslew-2 | 0 |
| | James | 0 |
| | Karandy | 0 |
| | King-W | 0 |
| | Kress | 0 |
| FLORIDA SUBTOTAL: | 12 | 3 |
| ILLINOIS CT. OF APPEAL | Kueper | 0 |
| ILLINOIS CT. OF APPEAL SUBTOTAL: | 1 | 0 |

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PRIVILEGED AND CONFIDENTIAL

07/20/95

PENDING CASES (BY JURISDICTION)

INDUSTRY (AND PM CASES)

| JURISDICTION | INDUSTRY CASES | PM CASES |
|-------------------|----------------|----------|
| INDIANA | Dunn-C | 1 |
| | Rogers-Y | 1 |
| | Smith-Ben | 1 |
| | Winters | 1 |
| INDIANA SUBTOTAL: | 4 | 4 |
| KANSAS | Barlow | 1 |
| | Bilby | 0 |
| | Burton | 0 |
| | Greer | 0 |
| | Herd | 0 |
| | Ireland | 0 |
| | Jones-M | 0 |
| KANSAS SUBTOTAL: | 7 | 1 |
| LOUISIANA | Arabie | 0 |
| | Castano | 1 |
| | Chustz | 0 |
| | Gibson | 1 |
| | Gilboy | 0 |
| | Granier | 1 |
| | Hulin | 0 |
| | Hutchin | 0 |
| | Marks | 1 |
| | Miceli-1 | 0 |
| | Morris | 1 |
| | Picard | 1 |
| | Pitre | 1 |
| | Shedd | 0 |
| | Smith-E | 0 |
| | Williams-C | 1 |
| | Woodruff | 0 |

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PRIVILEGED AND CONFIDENTIAL

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PENDING CASES (BY JURISDICTION)

INDUSTRY (AND PM CASES)

| JURISDICTION | INDUSTRY CASES | PM CASES |
|-----------------------------------|----------------|----------|
| LOUISIANA SUBTOTAL: | 17 | 8 |
| MARYLAND | Sacks | 1 |
| MARYLAND SUBTOTAL: | 1 | 1 |
| MASSACHUSETTS | Fahey | 1 |
| | Kearney | 1 |
| MASSACHUSETTS SUBTOTAL: | 2 | 2 |
| MINNESOTA | Forster | 0 |
| | Humphrey | 1 |
| MINNESOTA SUBTOTAL: | 2 | 1 |
| MISSISSIPPI | Butler-A | 1 |
| | Moore-M | 1 |
| | Nunnally | 0 |
| MISSISSIPPI SUBTOTAL: | 3 | 2 |
| MISSISSIPPI SUPREME CT. | Horton | 0 |
| | Wilks | 0 |
| MISSISSIPPI SUPREME CT. SUBTOTAL: | 2 | 0 |
| MISSOURI | Sterling | 0 |
| MISSOURI SUBTOTAL: | 1 | 0 |

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PRIVILEGED AND CONFIDENTIAL

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PENDING CASES (BY JURISDICTION)

INDUSTRY (AND PM CASES)

| JURISDICTION | INDUSTRY CASES | PM CASES |
|-------------------------------------|-------------------|----------|
| NEVADA | Boyer | 1 |
| NEVADA SUBTOTAL: | 1 | 1 |
| NEW HAMPSHIRE SUPREME CT. | Ramsey-Buckingham | 1 |
| NEW HAMPSHIRE SUPREME CT. SUBTOTAL: | 1 | 1 |
| NEW JERSEY | Griesenbeck | 0 |
| | Haines | 1 |
| NEW JERSEY SUBTOTAL: | 2 | 1 |
| NEW YORK | Dolan | 1 |
| | Humphries | 1 |
| | Manago | 0 |
| | McSorley | 1 |
| | Sackman | 0 |
| NEW YORK SUBTOTAL: | 5 | 3 |
| NORTH CAROLINA | Jensen-2 | 0 |
| NORTH CAROLINA SUBTOTAL: | 1 | 0 |
| OHIO | Foster-T | 0 |
| | Ragland | 0 |
| | Tompkin | 1 |
| OHIO SUBTOTAL: | 3 | 1 |

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PRIVILEGED AND CONFIDENTIAL

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PENDING CASES (BY JURISDICTION)

INDUSTRY (AND PM CASES)

| JURISDICTION | INDUSTRY CASES | PM CASES |
|-----------------------------|----------------|----------|
| OKLAHOMA | Michener | 1 |
| OKLAHOMA SUBTOTAL: | 1 | 1 |
| PENNSYLVANIA | Hinkson | 1 |
| | Miller-W | 1 |
| PENNSYLVANIA SUBTOTAL: | 2 | 2 |
| SOUTH CAROLINA | Collins | 0 |
| SOUTH CAROLINA SUBTOTAL: | 1 | 0 |
| TENNESSEE | Davis-JA | 1 |
| | Gillman | 1 |
| | Huggins | 0 |
| TENNESSEE SUBTOTAL: | 3 | 2 |
| TEXAS | Blanchard-R | 1 |
| | Bluitt | 1 |
| | Caballero | 1 |
| | Hutson | 0 |
| | Rogers-I | 1 |
| | Shipman | 1 |
| TEXAS SUBTOTAL: | 6 | 5 |
| TEXAS SUPREME CT. | Grinnell | 0 |
| TEXAS SUPREME CT. SUBTOTAL: | 1 | 0 |

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PRIVILEGED AND CONFIDENTIAL

07/20/95

PENDING CASES (BY JURISDICTION)

INDUSTRY (AND PM CASES)

| JURISDICTION | INDUSTRY CASES | PM CASES |
|-------------------------------|----------------|----------|
| USCA, FIFTH CIRCUIT | Allgood | 0 |
| | Brown-C | 1 |
| USCA, FIFTH CIRCUIT SUBTOTAL: | 2 | 1 |
| WEST VIRGINIA | Haight | 1 |
| | McGraw | 1 |
| WEST VIRGINIA SUBTOTAL: | 2 | 2 |
| ----- | | |
| TOTAL CASES PENDING: | 88 | 46 |

TOBACCO LITIGATION: CASES FILED BY QUARTER AND YEAR

| YEAR | 1ST QTR | 2ND QTR | 3RD QTR | 4TH QTR | TOTAL |
|-------------------|---------|---------|---------|---------|-------|
| ---- | ----- | ----- | ----- | ----- | ----- |
| 1982 | 1 | 1 | 1 | 2 | 5 |
| 1983 | 5 | 2 | 2 | 3 | 12 |
| 1984 | 3 | 5 | 4 | 5 | 17 |
| 1985 | 3 | 9 | 13 | 36 | 61 |
| 1986 | 37 | 21 | 16 | 11 | 85 |
| 1987 | 7 | 1 | 7 | 4 | 19 |
| 1988 | 9 | 4 | 1 | 3 | 17 |
| 1989 | 2 | 2 | 0 | 3 | 7 |
| 1990 | 2 | 1 | 3 | 0 | 6 |
| 1991 | 2 | 5 | 4 | 3 | 14 |
| 1992 | 2 | 3 | 12 | 7 | 24 |
| 1993 | 4 | 6 | 6 | 2 | 18 |
| 1994 | 6 | 15 | 9 | 6 | 36 |
| 1995 | 10 | 13 | 6 | 0 | 29 |
| | | | | | ----- |
| TOTAL CASES FILED | | | | | 350 |

TOBACCO LITIGATION: CASES DISMISSED BY QUARTER AND YEAR

| YEAR | 1ST QTR | 2ND QTR | 3RD QTR | 4TH QTR | TOTAL | ACTIVE APPEALS |
|------|---------|---------|---------|---------|---|-------------------|
| ---- | ----- | ----- | ----- | ----- | ----- | ----- |
| 1982 | 1 | 1 | 0 | 1 | 3 | 0 |
| 1983 | 2 | 3 | 1 | 5 | 11 | 0 |
| 1984 | 1 | 0 | 0 | 0 | 1 | 0 |
| 1985 | 2 | 0 | 1 | 8 | 11 | 0 |
| 1986 | 3 | 3 | 6 | 3 | 15 | 0 |
| 1987 | 7 | 18 | 16 | 15 | 56 | 0 |
| 1988 | 12 | 17 | 9 | 6 | 44 | 0 |
| 1989 | 6 | 3 | 17 | 11 | 37 | 0 |
| 1990 | 3 | 4 | 3 | 4 | 14 | 1 |
| 1991 | 7 | 1 | 5 | 2 | 15 | 0 |
| 1992 | 7 | 1 | 2 | 8 | 18 | 0 |
| 1993 | 8 | 7 | 4 | 7 | 26 | 2 |
| 1994 | 2 | 5 | 4 | 5 | 16 | 2 |
| 1995 | 3 | 3 | 2 | 0 | 8 | 0 |
| | | | | | ----- | ----- |
| | | | | | CASES DISMISSED (NO PENDING APPEAL): | 275 |
| | | | | | DISMISSED CASES ON APPEAL: | 5 |
| | | | | | ----- | ----- |
| | | | | | TOTAL DISMISSALS (IN TIME PERIOD ON CHART): | 280 |

DATE

CASE

PLACE

07/20/95

21-Jul-95

Rogers-Y

Deadline for non-moving parties to respond to dispositive motions and/or motions concerning interlocutory appeals.

21-Jul-95

Butler-A

Defendants' responses to plaintiff's request for production of documents are due.

22-Jul-95

Michener

Plaintiff is scheduled to be released from prison.

NOTE: Plaintiff's release ends stay of proceedings. Plaintiff has 30 days to notify court of desire to continue action and provide court and defendants with new address.

24-Jul-95

Moore-M

The Council for Tobacco Research's responses to plaintiff's first set of interrogatories, requests for production of documents, and request for admissions on the issue of in personam jurisdiction are due.

NOTE: Originally due on July 10, 1995.

25-Jul-95

Broin

Place: Coll Davidson

The deposition of plaintiff Lani Blissard is scheduled.

25-Jul-95

Moore-M

DATE

CASE

PLACE

07/20/95

A hearing is scheduled before Judge Myers on defendants' motion for entry of their proposed protective order.

26-Jul-95

Kearney

Plaintiff's response to Philip Morris' motion for summary judgment is due.

26-Jul-95

Humphrey

BAT Industries' and Brown & Williamson's responses to plaintiffs' second request for production of documents and second set of interrogatories relating to the jurisdiction over BAT Industries are due.

27-Jul-95

Chiles

Deadline for RJR Nabisco to respond to plaintiffs' complaint.

27-Jul-95

Smith-Ben

Deadline for defendants to file dispositive motions directed to the sufficiency of the amended complaint and any motion for summary judgment.

NOTE: Response due by August 22, 1995.

28-Jul-95

Engle

Appellants' reply brief is due.

NOTE: Defendants obtained 30-day extensions of time to file the brief on June 9, 1995 and July 17, 1995.